

REMARKS

Applicants appreciate and thank the Examiner for the thorough review of the application. The Office Action mailed January 28, 2010, has been received and reviewed.

By this Amendment, claim 5 is amended, and claims 10, 12, and 18 are canceled without prejudice to or disclaimer of the subject matter contained therein. Claims 6-9, 11, 13-17, and 19-20 were previously canceled. Further new claim 21 is added. No new matter has been added. Accordingly, claims 1-5 and 21 are pending of which claims 1-4 are withdrawn from consideration. Reexamination and reconsideration is respectfully requested in view of the following remarks.

The Office Action rejects claims 5, 10, 12, and 18 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 10, 12, and 18 are canceled and thus, the rejection with respect to these claims are now moot. As to claim 5, this claim has been amended to obviate the rejection. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

The Office Action rejects claim 5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,159,211 to Hoffman et al., ("Hoffman"). The rejection is respectfully traversed.

Claim 5 recites, among other features, operating the wash pump for a duration of a third preset time after elapsing of second preset time, if the temperature of the wash liquid does not reach the preset temperature, wherein the third preset time is shorter than the second preset time and the second preset time is shorter than the first preset time.

In contrast, Hoffman discloses that the timer motor 115 remains deenergized until the fluid in sump 28 attains the second predetermined temperature which in the disclosed form is 150°F. See col. 4, line 66-col. 5, line 2. Upon the fluid in the sump attaining the second predetermined temperature, 150 ° F. in the disclosed form, the second thermostat 105 movable contact or switch 162 moves from its first fixed contact 162' to its second fixed contact 162'' deenergizing the heater 50 and energizing the timer motor 115 causing the timer motor to advance through the remainder of its selected wash cycle with the fluid in the sump having been

heated to the second predetermined wash temperature providing the EXTRA HOT WASH TEMP of 150° F. See col. 5, lines 3-12.

Since the timer is deenergized until the fluid in the sump attains 150° F, it cannot be said that Hoffman inherently disclose operating wash pump for a preset time. Furthermore, nowhere does Hoffman disclose or suggest operating the wash pump for a duration of a third preset time after elapsing of second preset time, if the temperature of the wash liquid does not reach the preset temperature, wherein the third preset time is shorter than the second preset time and the second preset time is shorter than the first preset time, as required in claim 5.

Therefore, claim 5 recites patentable subject matter.

The Office Action rejects claims 10, 12, and 18 under 35 U.S.C. § 103(a) as being obvious over Hoffman in view of U.S. Patent No. 5,331,984 to Isagawa (“Isagawa”). Claims 10, 12, and 18 are now canceled and thus, the rejection with respect to these claims are now moot.

New added claim 21 is at least allowable by virtue of its dependency from claim 5, as well as for the features it recites.

The foregoing amendments place the application in condition for allowance. Early, favorable action is respectfully solicited.

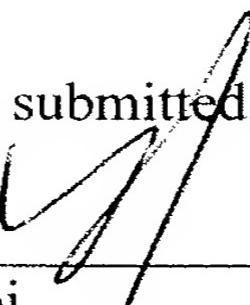
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: April 8, 2010

Respectfully submitted,

By _____


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